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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.A.(COMM.IPD-PAT) 21/2025**

ENERGEO WORKS INDIA PRIVATE LIMITED Appellant

Through: Ms. Priyam Lizmary Cherian, Ms. Shruti Jain and Mr. Devanjan Chakrabarty, Advocates.

versus

ASSISTANT CONTROLLER OF PATENTS Respondent

Through: Ms. Manisha Agrawal Narain, CGSC with Mr. Nipun Jain and Ms. Aditi Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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30.01.2026

1. This appeal is filed on behalf of the Appellant under Section 117A of The Patents Act, 1970 ('1970 Act') laying a challenge to impugned order dated 17.02.2025 passed by the Respondent, whereby Indian Patent Application No. 202211052563 ('IN'563') titled "*Air-Cooling System for Pre-Cooling Ambient Air*" has been refused under Section 15 of 1970 Act on ground of lack of inventive step under Section 2(1)(ja). Appellant seeks remand of the application for fresh consideration in accordance of law.
2. To the extent necessary IN'563 application relates to pre-cooling ambient air received in an air cool chiller assembly in HVAC System. Bibliographic details of application IN'563 are as follows:-



S. No.	Date	Event
1.	14.09.2022	Provision application bearing Indian patent application no. 202211052563 ("IN'563")
2.	06.01.2023	Complete specification in the application filed by the appellant
3.	06.01.2023	Request for expedited examination and request for publication filed by the appellant
4.	13.01.2023	Application published
5.	10.02.2023	Issuance of FER
6.	13.06.2023	Reply to FER filed
7.	21.02.2024	Hearing Notice scheduling a hearing for 11.03.2024 issued
8.	08.03.2024	Request for adjournment of hearing under Rule 129A filed by the appellant
9.	11.03.2024	Extended Hearing Notice adjourning the hearing to 02.04.2024 issued



10.	16.04.2024	Extended Hearing Notice adjourning the hearing to 22.04.2024 issued
11.	22.04.2024	Hearing before the Respondent
12.	02.05.2024	Post-hearing written submissions filed by the Appellant with claim amendment.
13.	17.02.2025	Impugned Order passed by the Respondent, whereby IN'563 patent application was refused patent grant.

3. It is the case of the Appellant that the air-cooled chiller assembly is generally placed outdoors and this placement leads to several problems such as high temperature of external ambient air, dust particles, clogging components of the air-cooled chiller assembly, direct sunlight on the assembly etc., which adversely impacts the performance and efficiency of the air-cooled assembly. To reduce the impact of this problem, IN'563 proposes to pre-cool the ambient air by using a mist of water while ensuring continuous replenishment of water.

4. It is stated that IN'563 application discloses an air-cooling system for pre-cooling ambient air comprising at least a first and at least a second water supply system, at least one air cooled chiller assembly, at least a water recirculation system, one or more pumps and at least one electronic controller, as envisaged in claim 1 of IN'563 application. It is emphasized



that the claimed air-cooling system also comprises nozzles to produce mist of size ranging from 5 micron to 30 microns; at least one air screened filter for trapping water; and at least one drain pan to collect trapped water. Further, one or more pumps supply pressurized water to the nozzles at a pressure in the range of 50 to 150 bars.

5. Learned counsel for the Appellant submits that the impugned order refusing the patent is unreasoned, arbitrary and violative of principles of natural justice. While rejecting the application and refusing grant of the patent, Respondent has merely stated that the invention is obvious in view of prior art documents D1 and D2 read with common general knowledge but there is no analysis or reasoning in support of the said conclusion. Respondent has not correctly identified the inventive concept of the claimed invention or the specific portions of D1 or D2, which allegedly disclose or suggest the claimed features. Respondent has not carried out a claim-wise comparison with the cited prior art documents and has not explained how a person skilled in the art would combine the teachings of D1 and D2 to arrive at the claimed invention. Detailed submissions, oral and in writing, were made by the Appellant in response to the objections raised, but Respondent has summarily refused the application without going into them by merely stating that there was no basis 'sufficient' to overthrow the previously given reasons, without disclosing what those 'reasons' were or why the submissions of the Appellant were unacceptable.

6. It is argued that impugned order incorrectly limits the present invention to a single feature i.e., "*spraying of mist of water to incoming air of chiller*", ignoring the other features in the claims' specification. Respondent has relied on two prior arts D1 and D2 but has failed to identify



specific portions of D1 and D2, which allegedly teach, suggest or motivate a person skilled in the art to arrive at the claimed invention. It is admitted in the order that neither D1 nor D2 explicitly speak about ‘water recirculation system’, feature of the ‘air-cooling system’ of IN’563, particularly, the water recirculation system having an air screen filter and a drain pan. Respondent has failed to show any common thread between D1, D2 and alleged common general knowledge and the latter is not even disclosed. Moreover, D1 does not disclose at least the claimed air-cooling system comprising at least one air screened filter for trapping water and at least one drain pan to collect trapped water.

7. It is also urged that the glaring illegality in the impugned order is that Respondent has merely concluded that a person skilled in the art can be inspired to arrive at the present invention overlooking that the statutory requirement is not whether inspiration is possible but is whether the invention would have been obvious to the person skilled in the art at the priority date having regard to prior art and specified common general knowledge. In the reply filed before this Court, Respondent has candidly admitted that assessment of inventive step has been undertaken by reference to ‘Titles’ of the cited prior art documents, which strikes at the root of the impugned order. It is settled position in law that to determine obviousness five steps are required to be followed: (a) identify an ordinary person skilled in the art; (b) identify the inventive concept embodied in the patent; (c) impute to a normal skilled but unimaginative ordinary person skilled in the art what was common general knowledge in the art at the priority date; (d) identify the differences, if any, between the matter cited and the alleged invention; and (e) decide whether differences, viewed in the knowledge of



alleged invention, constitute steps which would have been obvious to person skilled in the art and rule out a hindsight approach, but this exercise has not been carried out. **[Ref.: Hoffmann-La Roche Ltd. & Anr. v. Cipla Ltd., 2015 SCC OnLine Del 13619].**

8. While determining the inventive step in light of D1 and D2, Respondent has observed that the inventive step lies only in "at least one air-cooled chiller assembly [106] comprises one or more nozzles [124], wherein said one or more nozzles [124] produce mist of the water received from at least the first water supply system or second water supply system " as taught by D1, which is wholly incorrect. The inventive step in the claimed invention is not limited to the feature of mist of the water received from at least the first water supply system or second water supply system and by erroneously construing and limiting the claims, Respondent has reached a wrong conclusion.

9. Another fallacy in the order is that Respondent has failed to take into account the objective(s) of D1 and the submissions of the Appellant detailing the counter-intuitive teachings of D1 in relation to the presently claimed invention. The teachings of D1 relevant to the present invention have been wrongly identified. D1 addresses the feasibility and potential benefits of integrating spray evaporative cooling technology into conventional air conditioning systems for improved energy efficiency and cooling performance. More particularly, D1 relates to a new pressure nozzle for producing fine droplets of water for efficient evaporation and cooling of incoming ambient air and discloses an experimental unit comprising a condenser unit and an atomizing nozzle, such that the atomizing nozzle is provided with air pressure and water to produce mist. The mist is sprayed



towards the condenser unit in various operating conditions to realize the effect of pre-cooling air on the condenser unit. Therefore, in view of the objective of D1 and proposed solution, a person skilled in the art would not consider D1 as a relevant prior art when faced with the problem identified and addressed in IN'563 application.

10. It is urged that clearly, D1, does not contain all features of rejected claim 1 of the IN'563 application and this was brought forth before the Respondent, which has been overlooked. D1 is completely silent on several aspects, which are underlined as follows:-

"1. An air-cooling system [100] for pre-cooling ambient air, the air-cooling system comprising:

at least a first water supply system and at least a second water supply system for supplying water;

at least one air-cooled chiller assembly [106] adapted to receive water from at least one first water supply system or at least one second water supply system; and adapted to generate an airflow therethrough, wherein

at least one air-cooled chiller assembly [106] comprises one or more nozzles [124], wherein said one or more nozzles [124] produce mist of the water received from at least the first water supply system or second water supply system, wherein

the said mist of water size ranging 5 microns to 30 microns absorbs heat from the external ambient air prior to the external ambient air entering the at least one air-cooled chiller assembly [106];

at least a water recirculation system for recirculating the mist of water to at least the second water supply system, the water recirculation system comprising:

at least one air screen filter [128] positioned at an air inlet of at least one air-cooled chiller assembly [106] for trapping water from ambient air passing therethrough; and

at least one drain pan [132] positioned underneath the at least one air screen filter [128], and adapted to collect water trapped thereof; and

one or more pumps [108] for supplying pressurized water from at least the first water supply system or at least the second water supply



system to the one or more nozzles [124] at a pressure in the range of 50 bars to 150 bars; and

at least one electronic controller [144] for controlling the system therein.”

11. Appellant submits that there is no specific teaching whatsoever either an air screen filter or a drain pan being employed in the air-cooling system of prior art D1, let alone the water recirculation system as a whole. Bare perusal of the specification and the prosecution documents will illustrate how the water recirculation system of the air-cooling system not only avoids the wastage of water but also ensures that the rate of heat exchange between the cooling medium and the ambient air is improved, thereby resulting in improved efficiency of the air-cooled chiller assembly. In the absence of any such teaching, a person skilled in the art would fail to find any particular utility of D1 to reliably arrive at the said technical advancement of the present invention. Respondent has completely overlooked this aspect given in writing in the post hearing written submissions. Respondent has erroneously equated the aforementioned highlighted features to come to a finding of common general knowledge and has strangely relied on an inept example of water recirculation system in an air-cooler. This shows that complete specification of IN’563 application, which describes the structure, arrangement and functioning of the water recirculation system has been disregarded.

12. With regard to cited prior art D2, Appellant submits that there is no reasoning in the impugned order as to how Respondent reached a conclusion that the teachings of D2 combined with D1 would render the invention lacking inventive step. Only an observation has been made that “D2 (air-



cooled chiller with integrating a water mist system to its condensor) discloses the same system as disclosed in present application.”, without explaining or reasoning as to how there is any commonality. Respondent has failed to appreciate or take into account the objective(s) of D2 and has incorrectly identified its teachings as being "relevant" to the present invention and consequently, arrived at an incorrect conclusion as regards D2.

13. It is urged that D2 addresses an integration of a water mist system into a condenser of an air-cooled chiller to enhance its co-efficient of performance. Specifically, it investigates how the orientation of the spray nozzles in the mist system affects the performance. The study focuses on optimizing this aspect to improve the overall efficiency of the chiller system. Seeing the objective of D2 and the proposed solution, a person skilled in the art would not consider D2 as a relevant prior art when faced with the problem identified and addressed in IN'563 application. In fact, D2 lacks many features of the rejected claim 1 of IN'563 application and by limiting the inventive features of claim 1 to *“at least one air-cooled chiller assembly [106] comprises one or more nozzles [124], wherein said one or more nozzles [124] produce mist of the water received from at least the first water supply system or second water supply system.”*, Respondent has attempted to somehow force-fit D2 as a relevant prior art. D2 is completely silent on a number of features in rejected claim 1, which are underlined as follows:-

“1. An air-cooling system [100] for pre-cooling ambient air, the air-cooling system comprising:

at least a first waters supply system and at least a second water supply system for supplying water;

at least one air-cooled chiller assembly [106] adapted to receive



water from at least one first water supply system or at least one second water supply system; and adapted to generate an airflow therethrough, wherein

at least one air-cooled chiller assembly [106] comprises one or more nozzles [124], wherein said one or more nozzles [124] produce mist of the water received from at least the first water supply system or second water supply system, wherein

the said mist of water size ranging 5 microns to 30 microns absorbs heat from the external ambient air prior to the external ambient air entering the at least one air-cooled chiller assembly [106];

at least a water recirculation system for recirculating the mist of water to at least the second water supply system, the water recirculation system comprising:

at least one air screen filter [128] positioned at an air inlet of at least one air-cooled chiller assembly [106] for trapping water from ambient air passing therethrough; and

at least one drain pan [132] positioned underneath the at least one air screen filter [128], and adapted to collect water trapped thereof; and

one or more pumps [108] for supplying pressurized water from at least the first water supply system or at least the second water supply system to the one or more nozzles [124] at a pressure in the range of 50 bars to 150 bars; and

at least one electronic controller [144] for controlling the system therein."

14. There is no teaching whatsoever either of an air screen filter or a drain pan being employed in the air-cooling system of prior art D2, let alone the water recirculation system as a whole. The water recirculation system of the air-cooling system in the present invention, not only avoids the wastage of water but also ensures that the rate of heat exchange between the cooling medium and the ambient air is improved, thereby resulting in improved efficiency of the air-cooled chiller assembly. The inventive aspect of the present invention cannot be trivialized merely basis self-characterization of the rejected claim 1 as done in the impugned order. Respondent has liberally



interpreted various terms of the rejected claim 1 without drawing reference to the accompanying complete specification. Illustratively, the technical feature 'water recirculation system' of the air-cooling system of the IN'563 application is mechanically equated to 'water recirculation system' as is employed in the air coolers, whereas Respondent ought to have taken into account lines 10-26 of the complete specification while construing the expression 'water recirculation system'. Also the comparison drawn between the 'water recirculation system' of IN'563 application and those employed in the air coolers is solely based on hindsight approach, which is strictly impermissible in determination of inventive step under Section 2(1)(ja) of the 1970 Act. It is thus urged that the matter be remanded back to the Respondent for re-examination of the patent application.

15. Ms. Manisha Agrawal Narain, learned CGSC appearing on behalf of the Respondent defends the impugned order and submits that the Respondent has decided in accordance with provisions of the 1970 Act and has rightly rejected the application under Section 2(1)(ja). Impugned order is a reasoned order dealing with alleged inventive features of the patent application, closest prior arts as also how the person skilled in the art would arrive at the claimed invention and there is no justified reason to set aside the order.

16. It is argued that the claims in question are non-patentable and lack inventive step. Appellant was unable to show that the invention involved technical advancement as compared to existing knowledge or has economic significance or both that makes the invention non-obvious to the person skilled in the art. The order sufficiently discloses the rationale for obviousness and identifies the reasons for which the claimed invention is



rendered non-inventive. Rejection of the patent application is not based solely on common general knowledge but on explicit teachings of prior art documents D1 and D2. Respondent has discussed the alleged inventive feature in the claimed invention, the closest prior art as also features of the claimed invention not disclosed by the prior arts. Main feature of the claimed invention is spraying of mist of water through nozzles onto the air-cooled chiller assembly also known as air-cooled condenser of an air conditioning unit or outer unit of AC. This main feature is disclosed by both D1 and D2. Further, the feature of the claimed invention relating to nozzles with water and water recirculation system employing air screen filter, drain pan, pumps and electronic controller are features which are common general knowledge for a person skilled in the art being a person working in the field of air conditioning and refrigeration. The order is a well-reasoned order and calls for no interference.

17. Heard counsels for the parties and examined their submissions.

18. Appellant filed the Indian Patent Application No. 202211052563 on 14.09.2022. On 06.01.2023, complete specifications were filed and request was made for expedited examination and publication. Publication was carried out on 13.01.2023 and First Examination Report ('FER') was issued on 10.02.2023. Reply to FER was filed by the Appellant on 13.06.2023. PCT Application No. PCT/IN2023/050857 was filed on 12.09.2023. Hearing took place on 22.04.2024 and 17.02.2025, whereafter the Respondent passed the impugned order refusing the grant of patent.

19. Appellant's patent application pertains to heating, ventilation and air conditioning (HVAC) system, particularly a system for pre-cooling ambient air received in an air-cooled chiller assembly of an HVAC System. Broadly



speaking, Appellant has challenged the impugned order on five grounds: (a) Respondent has failed to identify specific portions of prior art documents that supposedly render the claimed invention obvious; (b) applied incorrect test of inventive step and failed to identify a common thread through the prior art documents that would motivate a skilled person to arrive at the claimed invention; (c) gives no source of common general knowledge that allegedly renders the claimed invention obvious when read with prior arts D1 and D2; (d) gives no reason why Appellant's submissions were not acceptable or lacked merit; and (e) wrongly limits the invention only to the feature of 'spraying of mist of water to incoming air of chiller'.

20. Careful perusal of the impugned order shows that the Respondent first referred to the prosecution details and then the hearing details in brief along with pending objections. Under the heading "*Reason for refusal*" Respondent has extracted amended claim 1 and thereafter, refused the grant of patent in one paragraph, which reads as follows:-

"Although the written opinion and the written amendment have been examined, no basis sufficient to overthrow the previously given reason(s) with respect to inventive step for refusal has not been found. In addition to that controller is of the view that main features (as per background summery and object of invention in complete specification) claimed in instant application being the spraying of mist of water to incoming air of chiller (condensor/outdoor unit) of conventional airconditioning system. Now document D1 (an air-cooled air conditioning unit with spray evaporative cooling system) and D2 (air-cooled chiller with integrating a water mist system to its condensor) discloses the same system as disclosed in present application. Though Document D1 and D2 may not explicitly talks about water recirculation system having pump, water filter and drain pan; air filter to incoming air, electronic controller but any person working in the field of air conditioning and refrigeration, can easily understand that these are very common features in the instant field and anybody can use that features as per their convenience without applying mechanical ingenuity. Further it can also be said that these extra features (water recirculation system, air filter and electronic controller) may have been inspired from air cooler available in the market. So by combining the



knowledge of cited documents D1-D2 and common general knowledge in the art any person skilled in the art can easily inspired to arrive at characterizing features of independent claim 1. So claim 1 lacks inventive step. Further It can be seen that the solutions claimed in the dependent claims 2-13 will also not have outstanding substantive features and significant advancements without creativity, when the claim 1 to which they are depended is not inventive.

Hence it is my considered view that the objection of section 2(1)(ja) of the hearing notice is not met in view of the reasoning made in the Agent's reply dated 02.05.2024. So, in view of the facts and on the circumstances of the case as above, I hereby refuse to grant the above patent application as per Section 15 of The Patents Act, 1970 (as amended)."

21. As brought forth by the Appellant, there are glaring illegalities in the order. First and foremost, Respondent has wrongly limited the invention only to the feature of 'spraying of mist of water to incoming air of chiller' while selectively referring to background, summary and the objects section of the complete specification. Appellant is right that the claimed invention is not limited to spraying of mist of water and this is evident from the claims, which are extracted hereunder for ready reference:-

"1. An air-cooling system [100] for pre-cooling ambient air, the air-cooling system comprising:

at least a first water supply system and at least a second water supply system for supplying water;

at least one air-cooled chiller assembly [106] adapted to receive water from at least one first water supply system or at least one second water supply system; and adapted to generate an airflow therethrough, wherein

at least one air-cooled chiller assembly [106] comprises one or more nozzles [124], wherein said one or more nozzles [124] produce mist of the water received from at least the first water supply system or second water supply system, wherein

the said mist of water size ranging 5 microns to 30 microns absorbs heat from the external ambient air prior to the external ambient air entering the at least one air-cooled chiller assembly [106];

at least a water recirculation system for recirculating the mist of water to at least the second water supply system, the water recirculation



system comprising:

at least one air screen filter [128] positioned at an air inlet of at least one air-cooled chiller assembly [106] for trapping water from ambient air passing therethrough; and

at least one drain pan [132] positioned underneath the at least one air screen filter [128], and adapted to collect water trapped thereof; and one or more pumps [108] for supplying pressurized water from at least the first water supply system or at least the second water supply system to the one or more nozzles [124] at a pressure in the range of 50 bars to 150 bars; and

at least one electronic controller [144] for controlling the system therein.

2. The air-cooling system [100] as claimed in claim 1, wherein the first water supply system comprises:

At least one first water reservoir [110] for storing water; and

a first water treatment system positioned downstream of the at least one first water reservoir.

3. The air-cooling system [100] as claimed in claim 2, wherein the first water treatment system comprises:

at least one bio-chemical container [116] fluidly disposed downstream of the at least one side screen filter [114] to break calcium-based impurities in the water; and

a first 2-stage water filter [118] fluidly disposed downstream of the at least one bio-chemical container [116].;

at least one first scale preventer [120] fluidly disposed downstream of the at least one first 2-stage water filter [118] for removal of calcium-based impurities in the water; and

at least one first water sterilizer [122] fluidly disposed downstream of the at least one first scale preventer [120].

4. The air-cooling system [100] as claimed in claim 3, wherein the first 2-stage water filter [118] comprises:

a first filter [118a] having filter size in the range of 20 microns to 40 microns; and

a second filter [118b] having filter size in the range of 5 micron to 20 microns.

5. The air-cooling system [100] as claimed in claim 1, wherein the second water supply system comprises:

At least one second water reservoir [134] for storing water



received from the water recirculation system; and

a second water treatment system positioned upstream of the at least one second water reservoir adapted to receive water from the at least one air-cooled chiller assembly [106].

6. The air-cooling system [100] as claimed in claim 1, wherein the water recirculation system comprising:

a plurality of blower fans [130] of the at least one air-cooled chiller assembly positioned at an air outlet [148] therein; and

the one or more nozzle [124] of the at least one air-cooled chiller assembly [106] positioned proximal to the at least one air screen filter [128] such that the one or more nozzles [124] direct a mist of water towards external air being received therein.

7. The air-cooling system [100] as claimed in claim 6, wherein the at least one drain pan [132] is positioned upstream of the second water treatment system of the second water supply system, wherein the second water treatment system filters the collected mist of water from at least the drain pan [132] and recirculates the water to the at least one second water reservoir [134] through the second water treatment system.

8. The air-cooling system [100] as claimed in claim 5, wherein the second water treatment system [122] comprises:

a second 2-stage water filter [138] fluidly disposed downstream of the at least one drain pan [132] and upstream of the one or more pumps [108].

9. The air-cooling system [100] as claimed in claim 1, comprises at least one second scale preventer [140] for removal of calcium-based impurities in the water; and at least one second water sterilizer [142] to prevent bacterial growth.

10. The air-cooling system [100] as claimed in claim 11, wherein the at least one second scale preventer [140] is fluidically disposed downstream of the second 2-stage water filter [138]; and the at least one second water sterilizer [142] fluidically disposed downstream the at least one scale preventer [140] and upstream of the at least one second water reservoir [134].

11. The air-cooling system [100] as claimed in claim 8, wherein the second 2-stage water filter [138] comprises:

a third filter [138a] having filter size in the range of 20 microns to 40 microns, and

a fourth filter [138b] having filter size in the range of 5 micron to 20 microns.



12. The air-cooling system [100] as claimed in claim 10, wherein the at least one air screen filter [128] is made up of polyurethane foam of density in the range of 24kg/m³ to 32kg/m³ and cell size in the range of 25 Pores per inch to 35 Pores Per Inch.

13. The air-cooling system [100] as claimed in claim 1, wherein the first water treatment system optionally comprises a side screen filter fluidically disposed upstream of the at least one bio-chemical container for filter coarse particles.”

22. It is trite that claims are to be read and construed in light of the whole of the complete specification and not selectively. Having begun with the wrong analysis of the claim and limiting it, Respondent reached a wrong conclusion. The second illegality is that Respondent failed to adopt the five step test for determining obviousness/lack of inventive step as elucidated by the Supreme Court in **Hoffmann-La Roche (supra)**. There is no gainsaying that the five steps analysis must be undertaken to determine obviousness/lack of inventive step in the claimed invention and that too sequentially. Appellant rightly flags that this is enough to set aside the impugned order.

23. Respondent has rendered a finding that D1 and D2 disclose the same system as the claimed invention *albeit* also observing that D1 and D2 do not explicitly talk about water recirculation system having pump, water filter and drain pan; and air filter to incoming air and electronic controller. Having so observed, Respondent concludes that nevertheless any person working in the field of air conditioning and refrigeration can understand that these are common features in the instant field and anybody can use the features as per convenience without applying mechanic ingenuity, without any basis and/or reasoning. The next observation that the extra features may have been inspired from air coolers available in the market and hence, claim 1 lacks



inventive step is out of nowhere and unsupported by reasons.

24. In my view, the order is completely unreasoned and overlooks the arguments of the Appellant, both oral and written, on the claimed invention and the differences in the prior arts. Appellant explained that D1 addresses the feasibility and potential benefits of integrating spray evaporative cooling technology into conventional air conditioning system for improved energy, efficiency and cooling performance. D1 particularly relates to a new pressure nozzle for producing fine droplets of water for efficient evaporation and cooling of incoming ambient air. D1 discloses an experimental unit comprising a condenser unit and an atomizing nozzle, such that the nozzle is provided with air pressure and water to produce mist. The mist is sprayed towards the condenser unit in various operating conditions to realise the effect of pre-cooling air on the condenser unit and hence, person skilled in the art would not consider D1 as a relevant prior art when faced with the problem identified and addressed in IN'563. This aspect has not even been considered in the impugned order.

25. It was further explained that D1 was silent on several features of claim 1 and there is no teaching either on air screen filter or a drain pan in the air-cooling system of Defendant No.1, let alone water recirculation system as a whole. The invention solves the problem of wastage of water by the water recirculation system and also ensures that the rate of heat exchange between the cooling medium and ambient air is improved, resulting in improved efficiency of the air cool chiller assembly. As regards D2, Respondent has concluded that teaching of D2 combined with D1 shows that IN'563 lacks inventive step, overlooking the submissions by the Appellant detailing the counter intuitive teachings of D2, which addresses an



integration of a water mist system into a condenser of an air cool chiller to enhance its co-efficient of performance. It specifically investigates how orientation of the spray nozzles in the mist system affects performance. The study focuses on optimizing this aspect to improve the overall efficiency of the chiller system and therefore, person skilled in the art can never jump to the claimed invention by considering D2. The impugned order has not taken into account any of these submissions made by the Appellant and is a non-speaking and unreasoned order.

26. Learned counsel for the Appellant rightly submits that the order does not even disclose specific portions of D1 and D2 that supposedly teach, suggest or motivate a person skilled in the art to take the disclosure of the said prior arts to arrive at the claimed invention. Impugned order does not provide any detail of common general knowledge and simply ends with a conclusion that the feature of “water recirculation system” of IN’563 application forms part of common general knowledge. As noted above, the glaring flaw in the order is that Respondent has failed to follow the five steps of determination of obviousness/lack of inventive step, which are necessary in light of the judgment of the Division Bench in ***Hoffmann-La Roche (supra)***.

27. For all the above reasons, this is the fit case for remand of the matter for re-examination of the patent application of the Appellant. Accordingly, this appeal is allowed, setting aside impugned order dated 17.02.2025 and directing the Respondent to reconsider Indian Patent Application No. 202211052563 in light of the judgment in ***Hoffmann-La Roche (supra)*** and taking into consideration the oral and written arguments of the Appellant. Needless to state an opportunity of hearing shall be granted to the Appellant



before taking a final decision. The decision will be taken by the Respondent within four months from the date of receipt of this order.

28. Appeal is disposed of in the aforesaid terms, without expressing any opinion on the merits of the case.

JYOTI SINGH, J

JANUARY 30, 2026/s.Sharma